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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,364

07/18/2006

Norbert Weber

50234

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1609 7590 04/30/2008

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EXAMINER

HOOK, JAMES F

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,364	<b>Applicant(s)</b> WEBER, NORBERT	
	<b>Examiner</b> James F. Hook	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (WO 02/40871) in view of Allen. The reference to Weber discloses the recited hydraulic piston accumulator comprising a housing 10, a piston 16 separating a gas chamber 12 from a fluid chamber 14, a valve block 24 having a smaller end inserted into the housing to close it off, a passageway near 40 extends into the housing through the valve block but is offset from the central axis of the housing to form a fluid carrying path and parallel thereto, as seen in figures, the valves can extend across the longitudinal axis, part of the fluid carrying path is screwed in to the valve block, it is considered a choice of mechanical expedients to connect the valve block to the housing using any known method including the old and well known method of using a screwed in section, the valve block has a flange portion to form a stop portion for the housing, in order for the accumulator to work it inherently is sealed and therefore inherently has a sealing part provided with the valve block, and where the valve can take many forms for many tasks including shock dampening which inherently would include suspension systems and thereby teaching Weber is capable of use with any type of system. The reference to Weber discloses all of the recited structure with the exception of using a

ball valve with a handle. The reference to Allen discloses that it is old and well known to control flow into an accumulator using a ball type valve with a handle. It would have been obvious to one skilled in the art to modify the valve in Weber by substituting an equivalent valve such as a ball valve as suggested by Allen where Weber sets forth that different valves can be used thereby expecting success with other valves. With respect to the orientation of the valve and handle such is considered an obvious choice of mechanical expedients where the valve can be oriented in any direction as can the handle to meet the needs of the user where such requires only routine experimentation to arrive at optimum choices.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Weber (WO 02/40871). The reference to Gray discloses the recited hydraulic accumulator comprising a housing 14, a separating element 15 separating a gas chamber from a fluid chamber, a valve block 122 having a smaller end inserted into the housing to close it off and provided with a seal as seen in figure 6, a passageway extends into the housing through the valve block, the valve can extend across the longitudinal axis, part of the fluid carrying path is screwed in to the valve block, the valve block is screwed into the housing, where the valve is a ball valve 129, where the use of a handle to control is an alternate embodiment where it only requires routine skill in the art to use either a handle or automatic control of a valve, where the orientation of the valve and handle are also merely choices of mechanical expedients where the valve can be oriented in any direction as can the handle to meet the needs of the user where such requires only routine experimentation to arrive at optimum choices. The reference

to Gray discloses all of the recited structure with the exception of forming the separating element as a piston and offsetting the passageway from the longitudinal axis. It would have been obvious to one skilled in the art to substitute a piston for the bag type accumulator separator as such is an old and well known equivalent type of separator used in accumulators and to offset the passageway as such would only be a choice of mechanical expedients as suggested by Weber, where such would allow for different control and is merely a choice of mechanical equivalents and expedients requiring only routine skill in the art and based upon the teachings of Weber one would expect success when using a piston as the separating element.

### ***Response to Arguments***

Applicant's arguments filed January 31, 2008 have been fully considered but they are not persuasive. The reference with respect to the teachings of Weber, it is noted that in column 1, lines 19-29 sets forth that different types of accumulators are known and are equivalent including bladder and piston accumulators, and that such can be used to perform a variety of tasks including dampening shock which is what a suspension system does, therefore it is inherent that Weber is capable of use in a suspension system. Further, Weber teaches that the valve can be oriented differently including transverse to the longitudinal axis see column 5 lines 2-38, as well as using any equivalent type of valve in column 4, lines 55-62. With respect to Allen, such is being used only to teach the use of a ball type valve with an accumulator system is known thereby teaching another known equivalent valve used in accumulator systems

as set forth in Weber, where the ball valve can have a handle, where the orientation of the handle is considered within the abilities of the skilled artisan to put the handle in any desired location as such is merely a choice of expedients where such is not critical to the applicants invention and has not been argued as such. With respect to the combination of Gray and Weber, such is not persuasive when Weber clearly sets forth other orientations for the valve as set forth above. With respect to the argument that features of a bladder accumulator are not compatible with piston accumulators such is not persuasive where Weber teaches the equivalence of these types of accumulators. It is also noted that a change in the location of the valve would also result in a handle being located differently as well.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference to Snodgrass and Ichimura disclosing that ball valves are old and well known in the art.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/  
Primary Examiner, Art Unit 3754

JFH